

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kurganov et al.

Atty Docket: 47242-
00028USPT

Serial No.: 09/777,406

Group Art: 2661

Filed: February 6, 2001

Examiner: Unknown

Title: PERSONAL VOICE-BASED
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DECLARATION OF RUSSELL J. GENET

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

I, Russell J. Genet, declare as follows:

1. I am an attorney of record for the above referenced patent application ("the '406 application").

2. On February 5, 2001, I completed preparation of the '406 application. This application was assigned document control number 152851 by the document management program used by Jenkins & Gilchrist, known as iManage. Exh. 1. The document history report for the application (with document control no. 152851) generated by iManage also indicates that this application was printed by me ("RGENET") on February 5, 2001 at 4:50 p.m. Exh. 2.

3. Also on February 5, 2001, I completed two additional patent applications for the same Applicant, Alexander Kurganov. These applications have serial numbers 09/777,025 ("the '025 application") and 09/776,996 ("the '996 application").

4. The '025 application has iManage document control number 153059 and the iManage document history report indicates this document was printed by me ("RGENET") at 5:04 p.m. on February 5, 2001. Exh. 3.

5. The '996 application has iManage document control number 155909 and the iManage document history report indicates this document was printed by me ("RGENET") at 4:48 p.m. on February 5, 2001. Exh. 4.

6. After completing all three of these applications on February 5, 2001, I printed the applications (as indicated above), gathered all of the necessary filing papers (including the specification, claims, and drawings), placed them on top of an unsealed Express Mail package along with an Express Mail mailing label, and gave the documents to Damien Hughes and Rick Ampey, clerks within Jenkins & Gilchrist's Office Services Department, for mailing to the U.S. Patent Office.

7. The '025 application and the '996 application were both accorded a filing date of February 5, 2001. Exh. 5. However, the '406 application was initially given a filing date of February 6, 2001. Exh. 6.

8. On May 15, 2001, I requested a corrected filing receipt to correct the filing date of the '406 application from February 6th to February 5th. Exh. 7.

9. In response, on May 29th, a "Corrected Filing Receipt" was received from the Patent Office changing the filing date to February 5th. Exh. 8.

10. Several days later, on June 5, 2001, an "Updated Filing Receipt" was received from the U.S. Patent Office in which the filing date had been changed back to February 6, 2001. Exh. 9.


11. In another attempt to clarify the filing date, on June 12, 2001, I submitted another request to the Patent Office requesting the filing date be changed back to February 5th as had been done with the Corrected Filing Receipt received on May 29th. Exh. 10.

12. By August, no response had been received from the Patent Office. So, on August 9, 2001, I requested my secretary to telephone the Office of Initial Examination to obtain an update on the status of our last request. A Ms. Evans from this Department indicated the Patent Office would not change the filing date unless Applicants could produce a copy of the Express Mail Receipt related to the '406 application. It was not until after this conversation that it was realized that the Express Mail Receipt for the '406 application was missing.

13. With the help of Jim Sklena, Supervisor of the Office Services Department in Jenkins & Gilchrist's Chicago Office, we attempted to obtain a copy of the Express Mail Receipt for the '406 application from the U.S. Post Office. We contacted Post Offices in both Chicago and Washington, D.C. Unfortunately, none of these Post Offices were able to find such documentation.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 10/9/2001



Russell J. Genet